

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LINDA PUNG, Personal Representative
of the Estate of Terri L. Greene,

Plaintiff,

v

MICHIGAN DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. 1:13-cv-1031

HON. JANET T. NEFF

MEMORANDUM OPINION & ORDER

Pending before the Court is Plaintiff's Motion for Default Judgment Against Defendant Christopher Perrien (Dkt 59). Defendant Perrien did not file a response to the motion.

This case arises from the tragic death of Terri Greene on September 22, 2011. Terri Greene and her husband, Michael Greene, were murdered at their residence at 7167 Eaton Highway, Delta Township, Eaton County, Michigan, after sustaining multiple gunshot wounds inflicted by Christopher Perrien, an MDOC inmate (Compl. [Dkt 1] ¶¶ 13, 18). Plaintiff Linda Pung was appointed the Personal Representative of Terri Greene's estate (Dkt 32). On September 19, 2013, Plaintiff filed an eleven-count Complaint pursuant to 42 U.S.C. § 1983, alleging Counts I through X against various state and county entities and individuals, and Count XI, a wrongful death claim, against Christopher Perrien.

On January 2, 2014, this Court issued an Entry of Default against Christopher Perrien (Dkt 24). On March 30, 2015, this Court granted summary judgment in favor of the state and county Defendants (Dkts 57 & 58). Consistent with the Entry of Default and pursuant to FED. R. CIV. P.

55, Plaintiff now moves for a Default Judgment against Perrien. For the reasons set forth more fully in her supporting Memorandum, Plaintiff seeks an award of Default Judgment against Defendant Perrien as follows:

Burial and funeral expenses (approximate): \$10,000.00
Pain and suffering: \$7,000,000.00
Loss of Consortium: \$2,240,000.00
Future Wage Loss: \$750,000.00
Total Damages: \$10,000,000.00

Because Plaintiff is not seeking a “sum certain” or an amount that can be made certain by computation, this matter is governed by Rule 55(b)(2). Rule 55 does not set forth a standard by which motions for default judgment are to be evaluated. Case law makes clear, however, that the Court is to exercise “sound judicial discretion” in determining whether a default judgment should be entered. *See* 10A Charles Alan Wright *et al.*, Federal Practice and Procedure § 2685 (3d ed.) (collecting cases). Being fully advised of the relevant facts and procedural history of this case, the Court finds that Plaintiff’s request for a default judgment is appropriate and will grant Plaintiff’s motion. As this Order resolves the last pending claim in this case, the Court will also enter a corresponding Judgment. Therefore,

IT IS HEREBY ORDERED that Plaintiff’s Motion for Default Judgment Against Defendant Christopher Perrien (Dkt 59) is GRANTED, and Plaintiff is Granted a Default Judgment in the amount of TEN MILLION DOLLARS (\$10,000,000.00) against Defendant Christopher Perrien.

Date: June 5, 2015

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge